

REMARKS

The Office Action dated December 15, 2004, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

The specification is amended to correct typographical mistakes. Replacement Figure 8 is submitted to include a reference numeral. Claims 1, 2, 6 and 7 are amended to more particularly point out and distinctly claim the subject matter of the invention. New claim 16 is added. No new matter is added by these amendments, and support for the amendments may be found throughout the specification, for example, in Figures 2 and 7. Thus, claims 1-16 are pending in the present application, with claims 4, 5, 9, 10 and 12-14 being withdrawn following an election of species requirement. Applicant respectfully requests that the application be reconsidered in view of the foregoing amendments and the following remarks.

Response to Restriction Requirement

The Office Action included an election of species requirement and required election between one of the following three inventions:

- Species I: directed to Figures 2-4;
- Species II: directed to Figures 5 and 6; and
- Species III: directed to Figures 7 and 8.

Applicant hereby elects Species III with traverse. As indicated in the Office Action, claims 4, 5, 9, 10 and 12-14 are withdrawn from consideration. Further, claims 1

and 11 are generic. Applicant also reserves the right to file a divisional application on the non-elected subject matter at any point prior to the termination of the proceedings in the subject application.

Applicant submits that the election of species requirement is improper, and respectfully requests that the requirement be withdrawn. In accordance with MPEP 803, an election of species is appropriate only when the species are shown to be distinct and when there would be a "serious burden" placed on the Office to examine claims directed to more than one species of the invention. If the search and examination of an entire application can be made without serious burden, then the Office must examine the application on the merits, even though it includes claims to distinct or independent inventions. MPEP 803. Applicant maintains that the Office Action has failed to show that a serious burden would be placed upon the Office to examine all of the identified species. In addition, the Office has already performed a search and examined the pending claims. Thus, applicant respectfully requests that the election of species requirement be withdrawn because a serious burden on the Office to consider all the claims does not exist, and the requirement is improper.

Figures 7 and 8 are Proper

The drawings stand objected to because of an inconsistency between Figure 7 and previous side views. The Office Action alleges that the bottom view shows the entire support piece disposed within the perimeter of the base of the bag, whereas the side views show the support piece extending beyond the perimeter so as to allow attachment of the

leg. Further, the Office Action alleged the specification referred to a reference numeral not shown in Figures 7 and 8. Applicant submits replacement Figure 8 to correct the inconsistency with regard to the reference numeral. Thus, applicant submits that this objection is rendered moot.

With regard to the alleged inconsistency between Figure 7 and previous side views, applicant notes that the specification on page 9, line 3 describes “the golf bag in this third preferred embodiment is substantially the same in structure as that of the above first preferred embodiment, with the only difference in that the anchored portion 402 of the base 40 is formed with symmetric openings 403 and 404.” Applicant submits that base 40 of Figure 7 has an inclined portion like inclined plane portion 203 shown in Figure 2, which corresponds to the first preferred embodiment discussed above. Applicant also notes that the specification does not describe a requirement that the first fastening portion of support piece 41 must extend out from base 40 to couple with the leg, or that coupling with the leg in Figure 7 is any different than the previously described embodiments in the specification. Therefore, applicant submits that the objection to Figure 7 is improper, and respectfully requests that the objection be withdrawn.

Claims 2 and 7 Are Proper

Claims 2 and 7 stand objected to for informalities. Applicant amends claims 2 and 7 to resolve the informalities. Thus, the objections to claims 2 and 7 are rendered moot.

Claims 1-3, 6-8, 11 and 15 Are Not Anticipated by Cheng

Claims 1-3, 6-8, 11 and 15 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,581,767 (Cheng). To anticipate, a reference must disclose each and every element of the claimed invention. Applicant respectfully traverses the anticipation rejection, and submits that the cited reference of Cheng does not disclose or suggest all the features of any of the presently pending claims.

Claim 1, upon which claims 2-3, 6-8, 11 and 15 are dependent, recites a golf bag sustained with a leg means. The golf bag includes a bag body. The golf bag also includes a base mounted at the bottom of the bag body and having a flat surface portion. The golf bag also includes an anchored portion and an inclined plane portion. The golf bag also includes a support piece detachably mounted at the bottom of the base. The inclined portion plane includes a first recess portion to receive the support piece. The support piece includes a sheet and a pair of opposing first fastening portion and second fastening portion formed on the sheet. The first fastening portion is assembled with the leg means. The second fastening portion is coupled to the anchored portion, so as to support the golf bag up by means of the assembled leg means and support piece.

Cheng relates to a golf bag base. Referring to Figures 3-11 of Cheng, the golf bag base includes a main body 20 for supporting golf bag 30 and an action plate 25 pivoted to main body 20. Action plate 25 is provided with two pivoting projections 251 opposite in location to each other. Main body 20 has a horizontal underside 22 and an inclined underside 23. Horizontal underside 22 is provided with a receiving slot 24. The receiving slot 24 is formed with two pivoting holes 241 opposite in location to each other.

Pivoting projections 251 of action plate 25 are received in pivoting holes 241 of receiving slot 24 so as to pivot action plate 25 to main body 20. Further, referring to Figure 11 of Cheng, inclined underside 23 of main body 20 is provided with a recess 231 for accommodating a retaining block 253 of action plate 25.

Applicant submits that Cheng does not disclose or suggest that the inclined plane portion includes a first recess portion to receive the support piece. Cheng describes action plate 25 having two pivoting projections 251 that are received in two pivoting holes 241. Cheng, however, does not disclose or suggest action plate 25 being received in a recess in horizontal underside 22 or inclined underside 23 of main body 20. Therefore, Cheng does not disclose or suggest an inclined portion having a first recess portion to receive the support piece.

Further, Cheng describes pivoting projections 251 of action plate 25 being coupled to pivoting holes 241 of receiving slot 24 of horizontal underside 22, as discussed above. Applicant also submits that this aspect of Cheng does not disclose or suggest a second fastening portion being coupled to the anchored portion. Cheng is distinguishable from the claims because action plate 25 is coupled to the flat surface portion and does not disclose or suggest being coupled to the anchored portion. Therefore, applicant submits that Cheng also does not disclose or suggest at least these features of the pending claims.

The dependent claims also are not disclosed or suggested by Cheng because of their dependency on claim 1, and also because they recite additional patentable features. Thus, applicant submits that Cheng does not disclose or suggest all the features of claims

1-3, 6-8, 11 and 15. Applicant respectfully requests that the anticipation rejection be withdrawn.

New Claim 16 is Allowable

New claim 16 is submitted. Applicant submits that new claim 16 is allowable over the cited reference for at least the reasons provided above. Further, applicant submits that new claim 16 is generic with regard to the election of species requirement.

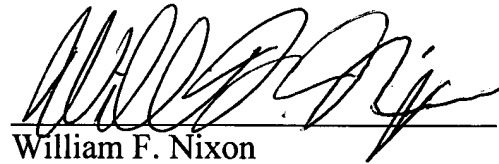
Conclusion

Applicant respectfully requests that the Examiner reconsider the claims in view of the above. Applicant submits that all of claims 1-16 are allowable, and that this application be passed to issue. Because claim 1 is generic, withdrawn claims 4, 5, 9, 10 and 12-14 also are allowable.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



William F. Nixon
Registration No. 44,262

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

WFN:cct

t

Enclosures: Extension of Time
Replacement Figure 8 (1 sheet)

IN THE DRAWINGS:

Please replace Figure 8 as originally filed with Replacement Figure 8, attached hereto.

Attachment: Replacement Figure 8 (1 sheet)